

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DONALD SIAS, #1948601

*Plaintiff*

VS.

KELLY ASHMORE,

*Defendant*

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CIVIL ACTION NO. 4:17cv288  
Judge Mazzant/Judge Johnson

**MEMORANDUM ADOPTING THE REPORT AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE RE: PLAINTIFF'S**  
**MOTIONS FOR SUMMARY JUDGMENT**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson. The Initial Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of Plaintiff's motions for summary judgment, has been presented for consideration. Plaintiff filed objections. After conducting a de novo review of the objections, the Court concludes the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

Plaintiff objects to the Magistrate Judge's determination that "Plaintiff did not identify any evidence demonstrating the absence of material fact." Dkt. 42, p. 1. He directs the Court to exhibits he filed previously,<sup>1</sup> and argues the exhibits demonstrate he is entitled to summary judgment. As an example, Plaintiff cites to Docket 17, Exhibit 1. A review of Exhibit 1, however, shows it is simply a letter from the Grayson County District Clerk's office, informing Plaintiff of the procedure for requesting copies of court orders. Plaintiff also cites to Docket 17, Exhibit 3. Exhibit 3 is also a letter from the Grayson County District Clerk's office to the Plaintiff explaining that the case he requested

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<sup>1</sup> Plaintiff's exhibits were filed with his response to Defendant's Federal Rule of Civil Procedure 12(b)(6) motion to dismiss. *See* Dkt. 17.

is sealed and “an order signed by the Judge will be required to unseal the case and to provide copies.” Dkt. 17-5. Further exhibits cited by Plaintiff include the contact information sheets for two Grayson County District Court judges (Dkt. 17-10, 17-11), and copies of letters to Plaintiff from the Texas Attorney General’s Office (Dkt. 17-7, 17-8).

As the Magistrate Judge’s Report states, “summary judgment is proper if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Dkt. 36. Plaintiff’s objections fail to demonstrate the Magistrate Judge erred in determining Plaintiff has not identified any evidence demonstrating the absence of an issue of material fact. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** Plaintiff’s motions for summary judgment (Dkt. 19, 24) are **DENIED**.

**SIGNED this 19th day of March, 2018.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE